

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1 and 2 have been amended, claims 5 and 6 have been cancelled, and claim 7 has been newly added. Support for the subject matter of the new claims is provided at least in the original claims, Fig. 1, and paragraphs 20, 22, and 26-28 of the specification.

The amendments and new claims have been drafted to overcome the objections applied to claims 2 and 6 and obviate the rejections applied to claims 5 and 6.

Claims 1, 3, and 4 were rejected, under 35 USC §103(a), as being unpatentable over Sato (US 5,771,467) in view of Katz et al. (US 2003/0076787). Claim 2 was rejected, under 35 USC §103(a), as being unpatentable over Sato in view of Katz and Faerber (US 2003/0031143).

To the extent these rejections may be deemed applicable to the amended claims, the Applicants respectfully traverse based on the points set forth below.

Claim 1 now defines a receiving apparatus that: (1) determines a relationship between the quality of a received packet and two threshold levels and (2) performs error detection

processing on the received packet. Based upon the determined relationship and the error detection result, the receiving apparatus instructs a communicating partner to: 1) transmit a new packet, 2) retransmit the received packet, 3) stop packet transmission, or 4) resume packet transmission.

The Office Action proposes that Sato discloses the claimed features of instructing a communicating partner to: 1) transmit a new packet, 2) retransmit a received packet, 3) stop packet transmission, or 4) resume packet transmission (see Office Action section 7, lines 8-11). The Office Action proposes that this disclosure is provided by Sato in column 2, lines 9-18.

The Applicants disagree with the interpretation of Sato proposed in the office action.

The Applicants submit that Sato discloses instructing a communicating partner to halt transmission when a detected bit error rate is greater than a threshold and restarting transmission when the detected bit rate becomes less than the threshold (see Sato col. 2, lines 12-18). The Applicants submit that Sato does not disclose instructing a communicating partner to retransmit a received packet or transmit a new packet, as opposed to resuming packet transmission. And Katz is not cited for supplementing the teachings of Sato in this regard.

Accordingly, the Applicants submit that Sato and Katz, considered individually or in combination, do not teach or render obvious the subject matter defined by claim 1. Independent claim 7 similarly recites the above-mentioned features distinguishing apparatus claim 1 from the applied references, but with respect to a method. Therefore, the rejection applied to claim 2 is overcome, and allowance of claims 1 and 7 and all claims dependent therefrom is deemed to be warranted.

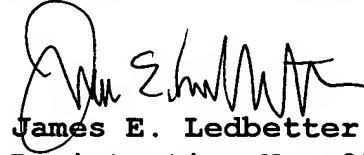
As an aside, the Applicants note that the Office Action proposes that Sato discloses, in column 8, lines 8-10, an error detector that performs error detection processing on a received packet (see Office Action section 7, lines 5-7). However, Sato discloses in the cited text a decoder 17 that detects the halting and restarting of a data message transmission (see Sato col. 4, lines 6-10). Sato's decoder 17 does not detect errors within a received packet, as proposed in the Office Action. And Katz is not cited for supplementing the teachings of Sato with respect to the claimed error detector.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the examiner is requested to telephone

the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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